

Attorney Docket No.: 1153_010DIV5CON

PATENT

NEW APPLICATION TRANSMITTAL

Mail Stop Patent Application
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Cynthia L. Losurdo
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03945 U.S. PTO
10/692457

Transmitted herewith for filing is the patent application of:

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Inventor 6: Sharlene A. Wilson
 Address: 4483 Route 414, Seneca Falls NY 13148

**Title: METHOD FOR FABRICATING ESI DEVICE
 USING SMILE AND DELAYED LOCOS TECHNIQUES**

1. Type of Application

This is a request for filing a CONTINUATION APPLICATION under 37 C.F.R. § 1.53(b), of pending prior application:

Serial No: 10/004,300	Group Art Unit: 1763
Filed: November 2, 2001	Examiner: Olsen, Allan W.

**Title: METHOD FOR FABRICATING ESI DEVICE
 USING SMILE AND DELAYED LOCOS TECHNIQUES**

Inventor(s): James E. Moon, Timothy J. Davis, Gregory J. Galvin, Kevin A. Shaw, Paul C. Waldrop and Sharlene A. Wilson.

2. Papers Enclosed

A. Required for filing date under 37 CFR 1.53(b) (Regular) are:

72 Page(s) of Specification
03 Page(s) of Claims
01 Page(s) of Abstract
58 Sheets of Formal Drawings (Figs.1- 89B)

B. Other Papers Enclosed

- A Preliminary Amendment
- A copy of the combined Declaration and Power of Attorney from the prior application
- An Information Disclosure Statement
- PTO Form-1449
- A copy of the Recordation Form Cover Sheet and Assignment of the invention to Kionix, Inc. from the prior application.

3. Amend the specification by inserting after the title and before the first line the sentence:

-Cross Reference to Related Applications

This is a continuation application of U.S. Serial No. 10/004,300, filed November 2, 2001, entitled "Method For Fabricating ESI Device Using SMILE, And Delayed LOCOS Techniques," the entirety of which is incorporated by reference herein, which is a divisional application of U.S. Serial No. 09/334,408, filed June 16, 1999, now U.S. Patent No. 6,444,138, entitled "Method Of Fabricating Microelectromechanical And Microfluidic Devices," the entirety of which also is incorporated by reference herein. —

4. Relate Back

A. 35 U.S.C. 119(e)

- Priority of provisional application Serial No. _____ filed _____, is hereby claimed under 35 U.S.C. §119(e).

B. 35 U.S.C. 120, 121 and 365(c)

- Priority of said prior applications, 09/334,408 filed June 16, 1999, now U.S. Patent No. 6,444,138, and 10/004,300, filed November 2, 2001, is hereby claimed under 35 U.S.C. §120.

C. 35 U.S.C. 119 Priority Claim for Prior Application

- Priority of foreign application(s) No. _____, filed _____ in _____ is hereby claimed under 35 U.S.C. §119.

- A certified copy of the above corresponding foreign application was filed in prior application Serial No. _____ on _____.
- A certified copy of the above corresponding foreign application is filed herewith.

5. Declaration or Oath (including Power of Attorney)

- A new power of attorney is enclosed.
- A copy of the power of attorney in the prior application is enclosed.
- Address all future communications to:

Indranil Mukerji
WALL MARJAMA & BILINSKI LLP
101 South Salina Street, Suite 400
Syracuse, New York 13202

6. Inventorship Statement

The inventorship for all the claims in this application are the same.

7. Assignment

The prior application is assigned of record to Kionix, Inc. at Reel 010060, Frame(s) 0065, and this application should also be assigned to Kionix, Inc.

8. Small Entity Status

Not applicable.

9. The filing fee has been calculated as shown below:

A. Filing Fee

Original Patent Application
(37 C.F.R. 1.16(a) --\$770.00; Small Entity --\$385.00) \$770.00

B. Fees for Claims (Claims; Indep.)

each independent claim in excess of 3
(37 C.F.R. 1.16(b) --\$86.00; Small Entity --\$43.00) \$00.00

each claim in excess of 20
(37 C.F.R. 1.16(c) --\$18.00; Small Entity --\$9.00) \$00.00

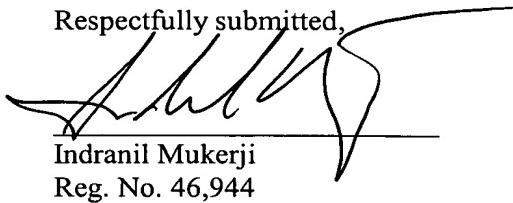
multiple dependent claim(s)
(37 C.F.R. 1.16(d) --\$290.00; Small Entity --\$145.00) \$_____

Total Fees Due \$770.00

10. Payment of Fees and Authorization to Charge Additional Fees or Credit Overpayment

- A check in the amount of \$770.00 is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.
- Any additional filing fees required under 37 CFR 1.16.
- Any patent application processing fees under 37 CFR 1.17.

Dated: October 23, 2003

Respectfully submitted,

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